

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROBERT T. ROMANS,)
v.)
THE UNITED STATES)
OF AMERICA,)
Plaintiff,)
Defendant.)
CIVIL ACTION NO. 04-10344-RGS

JOINT STATEMENT UNDER LOCAL RULE 16.1

The parties hereby submit this joint statement under Local Rule 16.1 and in accordance with the Notice of Scheduling Conference dated May 6, 2004.

A. Proposed Scheduling Conference Agenda

1. Discuss proposed discovery plan and dispositive motion filing dates.
 2. Set tentative trial date.

B. Discovery Plan

1. On or before June 24, 2004: automatic discovery shall be served by both parties.
 2. On or before August 2, 2004: written discovery requests pursuant to Fed.R.Civ.P.

33, 34 and 36 to be served by both parties.

3. Responses to written discovery requests due according to applicable rules.
 4. Depositions of fact witnesses to be completed by November 1, 2004.
 5. On or before November 1, 2004, plaintiff is to designate his experts and submit reports. On or before December 1, 2004, defendant is to designate its experts and submit reports.

6. On or before December 1, 2004: supplemental written discovery to be served by both parties.

7. Depositions of experts to be completed by January 30, 2005.

8. All discovery to be completed by January 30, 2005.

C. Proposed Schedule for Filing Motions

1. Dispositive motions to be filed by March 1, 2005.

2. Replies to be filed by April 15, 2005.

D. Final Pretrial Conference

To be set by the Court.

E. Certifications of Counsel and Parties

The undersigned attorneys certify that they have discussed the topics set forth in Local Rule 16.1(D)(3) with their clients. The originals of the signed certifications will be filed with the Court at the scheduling conference.

F. Other Matters

1. The parties have conferred with respect to settlement as required by Local Rule 16.1(C).

2. The plaintiff consents to trial by magistrate judge. The defendant has not yet indicated consent to trial by magistrate judge.

3. The parties are amenable to mediation of this matter through the ADR program sponsored by the Federal District Court after completion of discovery.

4. The parties are not aware of any other agenda items which must be discussed at the Rule 16.1 conference other than those described above.

Respectfully submitted,

ROBERT T. ROMANS,

By his attorneys,

DiMENTO & SULLIVAN

/s/ Jason A. Kosow

Francis J. DiMento, Jr.
BBO No. 547337
Jason A. Kosow
BBO No. 644701
7 Faneuil Marketplace, 3rd Floor
Boston, MA 02109-1649
(617) 523-2345

MICHAEL J. SULLIVAN,

United States Attorney

By: /s/ Mark J. Grady

Mark J. Grady
Assistant U.S. Attorney
United States Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3136

Dated: June 4, 2004